

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION
Civil Application No.2777 of 2006
In
Writ Petition no.7700 of 2004

Shri Mukund Rajaram Shevde. .. Petitioner
Vs.
Ganpati Dattatraya Mohite & Ors. .. Respondents
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Shri V.S.Gokhale for the petitioner.

Shri A.M.Kulkarni for Respondent No.1.
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CORAM : R.M.S.KHANDEPARKAR, J

DATED : 26TH APRIL, 2007

P.C.

1. Heard the learned advocates for the parties.

2. Even assuming that the learned advocate for the petitioner was justified to remain absent at the relevant time when the matter was called out and disposed of by an order dated 4th October, 2006 on account of his name being not shown in the cause list displayed in the matter in hand, upon hearing the advocate for the applicant/petitioner regarding merits of the case, I do not find any case being made out for recall of the order dated 4th October, 2006. On consideration of all the facts as well as the case of

both the parties, the writ petition was disposed of by a speaking order. In view of failure on the part of the applicant/petitioner to make out any case for interference in the concurrent findings delivered by the courts below, the petition was dismissed by the said order dated 4th October, 2006. The learned advocate for the applicant/petitioner though strenuously tried to argue the matter for the petitioner, I am not at all convinced of any of the contentions sought to be raised by the applicant/petitioner in the matter in hand and considering the same, no case is made out for recall of the order dated 4th October, 2006. Hence, the civil application is rejected.

(R.M.S.KHANDEPARKAR, J)